



PRIVACY NOTICE FOR PUPILS ATTENDING BERNARDS HEATH INFANT AND NURSERY SCHOOL

Bernards Heath Infant and Nursery School is a “data controller” for the purposes of data protection law as it collects data and information about our pupils and their families so that we can run effectively as a school. This privacy notice explains how we collect, store and use personal data about pupils.

The personal data that we hold

Personal data that we may collect, use, store and share (where appropriate) about pupils includes, but is not limited to:

- Personal information (such as name, unique pupil number and address);
- Characteristics (such as ethnicity, language, medical conditions, nationality, country of birth and free school meal eligibility);
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Assessment information (such as sessions attended, number of absences and absence reasons)
- Assessment information (such as Key Stage results)
- Medical conditions, including physical and mental health
- Special Educational Needs and Disability
- Behaviour and exclusions
- Safeguarding information
- Education/school history
- Sibling information
- Photographs

Why we collect and use this pupil personal data

We use this pupil data to:

- to decide who to admit to the school;
- to maintain a waiting list;
- to support pupil learning;
- to monitor and report on pupil progress;

- to provide appropriate pastoral care;
- to assess the quality of our services;
- to comply with the law regarding data sharing;
- for the protection and welfare of pupils and others in the school;
- for the safe and orderly running of the school;
- to promote the school;
- to communicate with parents / carers.

Our legal basis for using this data

We collect and use pupil information under the following lawful bases under the General Data Protection Regulation (“GDPR”) / Data Protection Act 2018:

- where it is necessary for compliance with a legal obligation
- where it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller
- where we have the consent of the data subject
- where processing is necessary to protect the vital interests of the data subject or another person

Where the personal data we collect about pupils is “special category” personal data (as defined in Article 9(1) GDPR) which would most commonly relate to data concerning pupil’s health; racial or ethnic origin; and/or religious or philosophical beliefs, we will only process it where there is a lawful basis for doing so. These include the following:

- where we have explicit consent;
- where processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent; and / or
- where processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

Collecting pupil information

Whilst the majority of pupil information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the GDPR, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this. Where appropriate, we will ask parents for consent to process personal data where there is no other lawful basis for processing it, for example where we wish to use photos or

images of pupils on our website or on social media to promote school activities or if we want to ask your permission to use your information for marketing purposes. Parents may withdraw consent at any time.

Storing pupil data

We hold pupil data about pupils while they are attending Bernards Heath Infant and Nursery School. We may keep it for longer than this period if this is necessary for us to comply with our legal obligations. As a general rule, the period for which we retain data is in accordance with guidance from the IRMS. Further information about the retention period for different categories of personal data can be obtained by contacting the school or the DPO using the contact details at the end of this Privacy Notice.

A significant amount of personal data is stored electronically, for example, on our SMIS database. Some information is also be stored in hard copy format.

Some data stored electronically is saved on a cloud based system that we have steps to ensure is GDPR compliant; where the personal data is sensitive we will also take steps to password protect it.

Who we share pupil information with

We do not share information about pupils with any third party without consent unless we have a legal basis for doing so

We routinely share pupil information with:

- schools that pupils attend after leaving us;
- our local authority Hertfordshire County Council;
- a pupil's home local authority, St Albans;
- the Department for Education (DfE);
- suppliers and service providers – to enable them to provide the service we have contracted them for
- school governors

From time to time, and only where there is a proper lawful basis for doing so, we may also share pupil information other third parties including the following:

- Ofsted
- the Police, courts, tribunals;
- NHS health professionals including the school nurse, educational psychologists,
- Education Welfare Officers;
- the National College for Teaching and Learning;
- the Joint Council for Qualifications;
- Prevent teams in accordance with the Prevent Duty on schools;
- other schools, for example, if we are negotiating a managed move and we have your consent to share information in these circumstances;
- our legal advisors;
- our insurance providers / the Risk Protection Arrangement;

Some of the above organisations may also be Data Controllers in their own right in which case we will be jointly controllers of your personal data and may be jointly liable in the event of any data breaches.

In the event that we share personal data about pupils with third parties, we will provide the minimum amount of personal data necessary to fulfil the purpose for which we are required to share the data.

Why we share pupil information

We share pupils' data with the Department for Education (DfE) on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring.

We are required to share information about our pupils with our local authority (LA) and the Department for Education (DfE) under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

To find out more about the data collection requirements placed on us by the Department for Education (for example; via the school census) go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

The National Pupil Database (NPD)

The NPD is owned and managed by the Department for Education and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

We are required by law, to provide information about our pupils to the DfE as part of statutory data collections such as the school census and early years' census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information About Individual Pupils) (England) Regulations 2013.

To find out more about the pupil information we share with the department, for the purpose of data collections, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.

The department may share information about our pupils from the NPD with third parties who promote the education or well-being of children in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The DfE has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data;
- the purpose for which it is required;
- the level and sensitivity of data requested; and
- the arrangements in place to store and handle the data.

To be granted access to pupil information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

For information about which organisations the department has provided pupil information, (and for which project), please visit the following website:

<https://www.gov.uk/government/publications/national-pupil-database-requests-received>

To contact DfE: <https://www.gov.uk/contact-dfe>

Requesting access to your personal data

Under data protection legislation, parents and pupils have the right to request access to information about them that we hold ("Subject Access Request"). Where a child does not have the maturity to make their own requests for personal data, parents may do so on their behalf in a primary school setting. To make a request for your child's personal data, or be given access to your child's educational record, contact the Data Protection Officer whose details are at the end of this Privacy Notice.

Subject to the section below, the legal timescales for the School to respond to a Subject Access Request is one calendar month. As the School has limited staff resources outside of term time, we encourage parents / pupils to submit Subject Access Requests during term time and to avoid sending a request during periods when the School is closed or is about to close for the holidays where possible. This will assist us in responding to your request as promptly as possible.

You will not have to pay a fee for a subject access request. However, we may charge a reasonable fee if your request for access is manifestly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

Parents of pupils who attend a maintained school have a separate statutory right to access their child's educational record. Upon receipt of a written request for a pupil's educational record, the School will respond to it within 15 school days. This is an independent legal

right of parents which falls outside of the GDPR, therefore a pupil's consent is not required even if a pupil is able to make their own decisions in relation to their personal data unless a court order is in place which states otherwise.

The term "parent" is widely defined in education law to include the natural or adoptive parents (regardless of whether parents are or were married, whether a father is named on a birth certificate or has parental responsibility for the pupil, with whom the pupil lives or whether the pupil has contact with that parent), and also includes non-parents who have parental responsibility for the pupil, or with whom the pupil lives. It is therefore possible for a pupil to have several "parents" for the purposes of education law.

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress;
- prevent processing for the purpose of direct marketing;
- object to decisions being taken by automated means;
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the data protection responsibilities.

If you have a concern about the way we are collecting or using your personal data, we would encourage you to raise it with us in the first instance and we will seek to discuss the matter and to assist you. If you wished to contact the Information Commissioner's Office the relevant details are here: <https://ico.org.uk/concerns/>; Or call 0303 123 1113; Or write: ICO, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Changes to this Privacy Notice

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal data.

Contact Details

If you would like to discuss anything in this privacy notice, please contact the school and/or the DPO.

Bernards Heath Infant and Nursery School contact details:

Head Teacher: Mrs Hannah Rimmer

Address: 154 Sandridge Road, St Albans, Herts AL1 4AP

Telephone Number: 01727 852 106

Email Address: admin@bernardsheath.herts.sch.uk

Website: bernardsheath.herts.sch.uk

DPO School contact details:

DPO: Mrs Sara Sherafat Scott

DPO Email Address: DPO@bernardsheath.herts.sch.uk